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Paper No. 14.

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OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION TO
Savoie & Boulay	:	WITHDRAW HOLDING OF
Application No. 09/838,560	:	ABANDONMENT AND NOTING
Filed: 20 April, 2001	:	JOINDER OF INVENTOR AND
Attorney Docket No. 12971-1US-1-RE	:	PETITION UNDER RULE 1.47
	:	MOOT

This is in response to the renewed petitions under 37 CFR 1.181 and 1.47(a), filed on 27 June, 2003, which is treated as a renewed petition to withdraw the holding of abandonment and a renewed petition under 37 CFR 1.47(a).

The petition is **GRANTED**.

This application became abandoned on 5 June, 2002, for failure to submit a timely response to the decision on petition mailed on 4 April, 2002, which set a two (2) month period for reply. No extension of the time for reply under 37 CFR 1.136(a) was obtained. Notice of Abandonment was mailed on 11 March, 2003.

Petitioner asserts that a renewed petition was timely filed on 5 July, 2002, along with a one (1) month time extension and a declaration executed by the previously non-signing inventor. In support, petitioners have presented a cover sheet itemizing the filing of a response to the decision dismissing the petition and containing a USPTO Office-date stamp of 5 July, 2002 and a copy of the renewed petition. The Office-date stamp shows that the renewed petition was received in Technology Center 3600 on the date indicated above. Moreover, the petition itself contains authorization to charge a one (1) extension of time to reply to

the decision mailed on 4 April, 2002.

Accordingly, as petitioners have shown that the renewed petition was timely received in the USPTO on 5 July, 2002, the holding of abandonment is **withdrawn**. The Notice of Abandonment mailed on 11 March, 2003, is **vacated**.

Counsel's deposit account has been charged \$55.00 for a one (1) month extension of the time to reply to the decision mailed on 4 April, 2002.

Papers filed on 27 June, 2003 (Office receipt date 5 July, 2002), in reply to "Decision Refusing Status Under 37 CFR 1.47(a)" mailed on 4 April, 2002, included a Declaration signed by the previously nonsigning inventor, Paul-Andre Roland Savoie.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



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